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PTO/SB/05 (08-00)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	4446D1
First Inventor	Joe Y.L. Lam et al.
Title	NUCLEIC ACID LABELLED WITH EXTENDED RHODAMINE DYES
Express Mail Label No.	EL 416 207 410 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 95]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 0]
5. ☐ Oath or Declaration [Total Pages 3]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Copy (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies), or
 - ii. ☐ paper
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other:

17. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76.
☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No 09 / 325,243 filed June 3, 1999

Prior application information

Examiner R. CovingtonGroup Art Unit 1625

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the application and is hereby incorporated by reference. The incorporation can only be relied upon when a reference is made to the material so incorporated. Material not so incorporated is hereby omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS
☒ Customer Number or Bar Code Label **22896** (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

PATENT TRADEMARK OFFICE					
Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

Name (Print/Type)	Alex Andrus	Registration No. (Attorney/Agent)	44,509
Signature	<i>Alex Andrus</i>	Date	Feb. 8, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

25102 1

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number EL 416 207 410 US Date of Deposit Feb. 9, 2001
 I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D C 20231

PATTI SELAN
 (Print Name of Person Mailing Application)

Patti Selan
 (Signature of Person Mailing Application)

Docket No. 4446D1

**Transmittal of Continuation Patent Application
 For Filing Under 37 CFR 1.53(b)**



PRIOR APPLICATION: Examiner: R. Covington Art Unit: 1625

Assistant Commissioner for Patents
 Box: Patent Application
 Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09 / 325,243 filed June 3, 1999 by Joe Y.L. Lam, Scott C. Benson and Steven M. Menchen entitled

Nucleic Acids Labelled With External Rhodamine Dyes

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1 - 95 and ☐ 0 sheets of ☐ formal ☐ informal drawings.
- ☒ Application Data Sheet.
- ☒ Copy of executed Declaration of Inventorship from parent application serial no. 09/325,243.
- ☐ Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- ☒ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☒ Please cancel original claims 1-45, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- ☐ Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. _____ filed _____ which is a divisional / continuation of application serial no. _____ filed _____ . - -

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

09/780600

4. Prior Documents Still in Effect

☒ This application and parent application Serial No. 09/325,243 filed June 3, 1999 are assigned of record to The Perkin-Elmer Corporation.

☒ Power of attorney in the above-identified prior application is to Alex Andrus, Reg. No. 44,509, and the other attorneys or agents identified therein.

5. Fees

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	30 - 20	10	X \$18	\$180.00
INDEPENDENT CLAIMS	1 - 3	0	X \$80	\$0.00
	BASIC FEE			\$710.00
	Multiple Dependency Fee If Applicable \$270.00			
	Total			\$890.00
	50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern			
	TOTAL FILING FEE			\$890.00


☒ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ _____ is enclosed.

☐ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,

Dated: Feb. 8, 2001


Alex Andrus, Reg. No. 44,509

Correspondence Address:

Customer Number 22896
Applied Biosystems
Patent Department M/S 432-2
850 Lincoln Centre Drive
Foster City, California 94404
Telephone: 650-638-5607
Facsimile: 650-638-6677

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision

Complete if Known

Application Number	To be assigned
Filing Date	February 9, 2001 (herewith)
First Named Inventor	Joe Y L. Lam et al
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No	4446D1

TOTAL AMOUNT OF PAYMENT (\$ 890)

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to

Deposit Account Number 01-2213
 Deposit Account Name Applied Biosystems

- ☒
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
-
- ☐
- Applicant claims small entity status See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:
-
- ☐
- Check
- ☐
- Credit card
- ☐
- Money
- ☐
- Other Order

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710 201 355		Utility filing fee	710
106 320 206 160		Design filing fee	
107 490 207 245		Plant filing fee	
108 710 208 355		Reissue filing fee	
114 150 214 75		Provisional filing fee	

SUBTOTAL (1) (\$ 710)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid	
30	-20**= 10	X 18	180	
Independent Claims	1	-3**= 0	X 0	0
Multiple Dependent			0	

**or number previously paid, if greater, For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18 203 9		Claims in excess of 20
102 80 202 40		Independent claims in excess of 3
104 270 204 135		Multiple dependent claim, if not paid
109 80 209 40		** Reissue independent claims over original patent
110 18 210 9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 180)

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

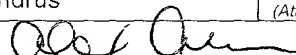
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130 205 65		Surcharge - late filing fee or oath	
127 50 227 25		Surcharge - late provisional filing fee or cover sheet	
139 130 139 130		Non-English specification	
147 2520 147 2520		For filing a request for <i>ex parte</i> reexamination	
112 920* 112 920*		Requesting publication of SIR prior to Examiner action	
113 1840* 113 1840*		Requesting publication of SIR after Examiner action	
115 110 215 55		Extension for reply within first month	
116 390 216 195		Extension for reply within second month	
117 890 217 445		Extension for reply within third month	
118 1390 218 695		Extension for reply within fourth month	
128 1890 228 945		Extension for reply within fifth month	
119 310 219 155		Notice of Appeal	
120 310 220 155		Filing a brief in support of an appeal	
121 270 221 135		Request for oral hearing	
138 1510 138 1510		Petition to institute a public use proceeding	
140 110 240 55		Petition to revive - unavoidable	
141 1240 241 620		Petition to revive - unintentional	
142 1240 242 620		Utility issue fee (or reissue)	
143 440 243 220		Design issue fee	
144 600 244 300		Plant issue fee	
122 130 122 130		Petitions to the Commissioner	
123 50 123 50		Petitions related to provisional applications	
126 180 126 180		Submission of Information Disclosure Stmt	
581 40 581 40		Recording each patent assignment per property (times number of properties)	
146 710 246 355		Filing a submission after final rejection (37 CFR 1.129(a))	
149 710 249 355		For each additional invention to be examined (37 CFR 1.129(b))	
179 710 279 355		Request for Continued Examination (RCE)	
169 900 169 900		Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Alex Andrus	Registration No (Attorney/Agent)	44,509	Telephone	650-638-5607
Signature		Date	Feb. 8, 2001		

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.